

REMARKS

The present patent application has been reviewed in light of the office action, dated May 19, 2005, in which claims 1 and 8 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 12-15 are rejected under 35 U.S.C. § 102(b) as being anticipated by Suggs, U.S. Patent No. 6,009,214 (hereinafter “Suggs”). Reconsideration of the above-referenced patent application in view of the foregoing amendment and following remarks is respectfully requested.

Claims 1-29 are pending. Claims 1-14 have been amended. Claims 16-29 have been added.

Rejections under 35 U.S.C. § 112

Assignee takes no position regarding position expressed by the Examiner. Furthermore, Assignee asserts that no estoppel exists because the claim scope has not been narrowed.

Rejections under 35 U.S.C. § 102(b)

Claims 12-15 are rejected under 35 U.S.C. § 102(b) as being anticipated by Suggs. Suggs discloses scanning modules that are arranged in a linear fashion (see figure 3e). Suggs does not disclose a first light-sensing cell of a first sensing module and a second light-sensing cell of a second sensing module, wherein “both include a first end in substantially the same position along the axis and wherein the first light-sensing cell has a second end in a different position along the axis than a second end of the second light-sensing cell” as claimed in amended claim 12. Therefore, claim 12 and the rejected claims that depend from it are believed

to patentably distinguish from the cited patent. It is, therefore, respectfully requested that the Examiner withdraw the rejection as to these claims.

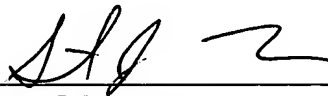
It is noted that claimed subject matter may be patentably distinguished from the cited patents for additional reasons; however, the foregoing is believed to be sufficient. Likewise, it is noted that the Assignee's failure to comment directly upon any of the positions asserted by the Examiner in the office action does not indicate agreement or acquiescence with those asserted positions.

CONCLUSION

In view of the foregoing, it is respectfully asserted that all of the claims pending in the present patent application are in condition for allowance. If the Examiner has any questions, he is invited to contact the undersigned at (503) 439-6500. Reconsideration of the present patent application and early allowance of all the claims is respectfully requested. Please charge any underpayments or credit any overpayments to deposit account no. 50-3130.

Respectfully submitted,

Dated: 10/19/2005



Steve J. Munson
Reg. No. 47,812

Berkeley Law and Technology Group, LLC
1700 NW 167th Place, Suite 240
Beaverton, OR 97006
503.439.6500

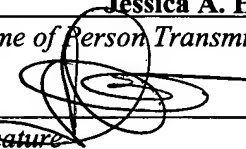
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope address Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

10/19/2005

Date of Transmission

Jessica A. Harvey

Name of Person Transmitting Correspondence



Signature